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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,582	10/17/2001	Frank Saier	01-656	7214

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/981,582

Applicant(s)

SAIER, FRANK

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) 4-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to applicant's communication filed on November 3, 2003. Amendments to claim 1, cancellation of claims 2 and 3, and newly added claims 4-7 made by the Applicant have been entered. Amended claim 1 has been examined. The restrictions and rejections are stated below.

#### ***Response to Amendment***

2. Newly submitted claims 4-7 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The claims 1-3 that were examined in the first office action and amended claim 1 are drawn to a method for reprocessing chargeable accumulators or battery packs, said method comprising: providing a plurality of service station business partners, said partners being able to offer the services of reprocessing chargeable accumulators or battery packs including the services of checking, replacing, tuning, providing individual special kinds and charging accumulators in a store or in the framework of an independent service by using a special service-station; providing a central service office for supplying, said plurality of service station business partners with the equipment wherein said central service office controls the service process of said service station business partners; providing a product database comprising data selected from the group consisting of battery power devices producers technical data kinds of accumulators or batter packs or single cells technical data and prices wherein said product data base is supplied with the respective data by the central service office and said data at least in part being received from the service station business partners; and providing access to said service station business partners to said product database, wherein said central service office controls the

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manufacture of the service stations required for new service station business partners and delivery of accumulators and batteries on demand of the service station business partners; providing a financial office for financing service stations, being purchased by the service station business partner at the central service office; said financial office receiving the necessary data concerning the service station business partner from the central service office; and controlling the processing of service stations that are given back to said financial office by service station business partners.

The new claims 4-7 are drawn to a Business method for reprocessing chargeable accumulators or battery packs, said method comprising: providing a plurality of service station business partners, said partners being capable of offering the services of reprocessing chargeable accumulators and battery packs selected from the group consisting of checking, replacing, tuning, and providing individual charging accumulators in a store or in the framework of an independent service by using a special service-station; providing a central service office for supplying said service station business partner with the necessary equipment, wherein said central service office controls the service process of said service station business partners; providing a product database comprising the data selected from the group consisting of battery power devices, producer, technical data, kinds of accumulators or battery packs or single cells, technical data, and prices, wherein said product data base is supplied with the respective data by the central service office and said data at least in part being received from the service station business partners; and providing access of said service station business partners to said product database; providing at least one producer of welding stations; providing at least one supplier for accumulators or batteries; wherein said central service office arranges the delivery of a welding

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station either directly by the producer of the welding station or via the central station, and wherein said central service office arranges on demand of the service station business partners the delivery of the required parts which are necessary for the service station business partners to perform said services. Clearly the limitations of providing at least one producer of welding stations; providing at least one supplier for accumulators or batteries; wherein said central service office arranges the delivery of a welding station either directly by the producer of the welding station or via the central station are not present in the original claims 1-3 or the amended claim 1. Because these inventions are distinct for the reasons given above and the search required for amended claims 1 is different from that required for new claims 4-7, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 4-7 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Applicants in replying to this office action are respectfully advised to cancel the non-elected claims.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US Patent 6,351,738 B1) in view of Tseng (US Patent 5,631,536).

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With reference to claim 1, Clark discloses a method comprising: providing a central service office for supplying business partner with the necessary equipment, wherein said central service office controls the service process of said business partners, providing a product database comprising all the data about products/services including technical data, and prices, said product data base is supplied with the respective data by the central service office and said data at least in part being received from the business partners, and providing access of said business partners to said product database, wherein said central service office controls the manufacture of the business facilities required for new business partners; delivery of products on demand of the business partners and access to capital financing than the participant can obtain on its own (See Clark Column 3 line 45 – Column 6 line14) The HBE is interpreted to include the central office and the business is interpreted to include a service station. Access to capital financing than the participant can obtain on its own and discounted acquisition costs and financing rates are interpreted to include the steps of providing a financial office for financing the service station, being purchased by the service station business partner at the central service station; said financial office receiving the necessary data concerning the service station business partner from the central service station.

Clark fails to explicitly teach the steps of establishing the business with business partners, offering the services of reprocessing chargeable accumulators or battery packs and services associated with it, a product database comprising data selected from the group consisting of battery power devices producers technical data kinds of accumulators or batter packs or single cells technical data and prices and controlling the processing of service stations that are given back to said financial office by service station business partners.

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Tseng teaches the steps of offering the services of reprocessing chargeable accumulators or battery packs and services associated with it (See Tseng Abstract, Column5 lines 26-60 and claim 1)

It would have been obvious to one with ordinary skill in the art at the time of invention to combine the teachings of Tseng to the invention of Clark. The combination of disclosures taken as a whole suggests that users would have benefited from being able to service their batteries in one location.

Clark and Tseng combined fail to explicitly disclose the steps of establishing the business with business partners, a product database comprising data selected from the group consisting of battery power devices producers technical data kinds of accumulators or batter packs or single cells technical data and prices and controlling the processing of service stations that are given back to said financial office by service station business partners.

Official notice is taken that the steps of establishing the business with business partners, a product database comprising data selected from the group consisting of battery power devices producers technical data kinds of accumulators or batter packs or single cells technical data and prices and controlling the processing of service stations that are given back to said financial office by service station business partners are old and well known in the art. Business partners generally provide seed capital, personnel and expertise to start a business. Product databases containing data about battery power devices producers, technical data, kinds of accumulators or batter packs or single cells technical data and prices help the service agent or the customer identify the product based on their needs and preferences. For instance databases maintained by businesses such as National Tires and Batteries (NTB) contain such data for the products that

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they carry. Controlling the processing of service stations that are given back to said financial office by service station business partners helps the financial office find new business partners for the service station or in the event that they cannot find one it gives them time to liquidate the business.

It would have been obvious to one with ordinary skill in the art at the time of invention to combine these steps to the combined disclosures of Clark and Tseng. The combination of disclosures taken as a whole suggests that customers would have benefited during the interim period when the business partners no longer manage the business and its financial office benefits from the additional time they get in trying to find new business partners for the service station or in the event that they cannot find one it gives them time to liquidate the business and the product databases would have helped identify a good match of the products with customers needs and preferences.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after



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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft or Informal faxes to the Patent Office is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian  
November 20, 2003

Richard Weisberger  
Primary Examiner